

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
EASTERN DIVISION

FRANCISCO JAVIER RODRIGUEZ,
Reg. #27728-112

PETITIONER

v.

No. 2:15-cv-14-DPM

C. V. RIVERA, Warden, FCI-Forrest City

RESPONDENT

ORDER

Unopposed recommendation, *No. 17*, adopted with two material corrections. FED. R. CIV. P. 72(b) (1983 addition to advisory committee notes). First, Rodriguez was sentenced in the state case on 25 July 2008, not 13 February 2008. *Compare No. 17 at 3 with No. 17 at 4 and No. 14-1 at 60.* Second, the quote at the bottom of page five should begin, "Pursuant to the doctrine of primary jurisdiction, service of a federal sentence generally commences when the United States takes primary jurisdiction and a prisoner is presented to serve his federal sentence, not when the United States merely takes physical custody of a prisoner who is subject to another sovereign's primary jurisdiction." *Elwell v. Fisher*, 716 F.3d 477, 481 (8th Cir. 2013).

Rodriguez's petition will be dismissed with prejudice. No certificate of appealability will issue.

So Ordered.

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

23 February 2016